

Advisory Commission on the Future Structure of Veterans Health Care; Meeting

The Department of Veterans Affairs gives notice under the Public Law 92-463 that a meeting of the Commission on the Future Structure of Veterans Health Care will be held on October 10 and 11, 1990. The session will be held between 8:30 a.m. and 5 p.m. on October 10, and 8:30 a.m. and 1 p.m. on October 11, at the Back Bay Hilton, Westminster Room (2nd Floor), 40 Dalton Street, Boston, Massachusetts. The Commission's purpose is to review the missions and programs of the VA's health care facilities to determine whether changes in services, programs, or missions at individual facilities are needed, with a focus on providing care to eligible veterans in the decade 2000-2010. The agenda for the meeting will include presentations to the Commission by various VA and non-VA officials as well as working sessions for the Commissioners to discuss, study, and analyze specific VA health care facilities within the area. The meeting will be open to the public up to the seating capacity of the room. Interested persons may file statements with the Commission, or may offer views during the public forum session. Statements, if in written form, may be filed before or within 10 days after the close of the meeting.

To assure an opportunity to present a statement before the Commission, interested persons must notify Mr. Bob Moran, Commission on the Future Structure of Veterans Health Care, Techworld Plaza, 800 K Street, NW., P.O. Box 88, Washington, DC 20001, telephone (202) 633-7079, no later than September 28, 1990. Persons wanting additional information regarding the meeting may also contact Mr. Moran.

Dated: September 6, 1990.

By Direction of the Secretary.

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 90-21443 Filed 9-11-90; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Proposed Amendment of System Notice; Additional Routine Use Statement

Notice is hereby given that the Department of Veterans Affairs (VA) is considering adding new routine use statements to two systems of records. The systems are entitled, "Individuals Submitting Invoices/Vouchers For

Payment-VA" (13VA047) which is set forth on pages 772 and 773 of the Federal Register publication, "Privacy Act Issuances, 1987 Compilation, Volume V" and "Patient Medical Records-VA" (24VA136) which is set forth on pages 780-782 and amended at 53 FR 49818, December 9, 1988, and 55 FR 5112-5113, February 13, 1990.

The Department of Health and Human Services (HHS) Office of Inspector General (OIG), in cooperation with the VA OIG, plans to initiate a computer matching program to identify improper duplicate payments for medical care made by Medicare fiscal intermediaries where VA was responsible for the payment. The match will compare records of VA patients who were authorized by VA to obtain medical services from non-VA health care facilities and payment files for those services and Medicare payment files of Part A beneficiaries. The purpose of the match is for HHS to identify duplicate payments and initiate recovery of identified overpayments and, as the situation may warrant, initiate fraud investigations. HHS also may seek reimbursement from VA for those services which were authorized by VA and for which no payment, or partial payment, was made by VA.

Information from automated records of inpatient episodes of non-VA care will be disclosed to HHS. The automated record does not include the name of the hospital where treatment was provided. The information to be disclosed includes patient name, Social Security number, date of birth, dates of admission and discharge, diagnostic, surgical and procedures codes, and state and county of residence and zip code. The information is needed by HHS to identify the patient and the specific episode of treatment and will be compared to the Medicare payment files to determine if a payment has been made on behalf of the beneficiary for an episode of care with similar dates of treatment. If a payment has been made by Medicare, HHS will identify the facility where the treatment was provided, the services for which payment was made, and the date and amount of payment. VA records, automated and paper, will be searched to determine if this represents a duplicate payment for the same episode of care. The records may be examined also to determine if the episode of care represents a period of treatment that was authorized by VA and for which no payment, or partial payment, was made.

Patient records that are protected by 38 U.S.C. 4132 will not be disclosed to HHS. These are records that pertain to treatment for drug or alcohol abuse,

infection with the human immunodeficiency virus or sickle cell anemia. Records that include information pertaining to this type of treatment may be disclosed only with the written consent of the patient or under the limited disclosure provisions specified in section 4132. Disclosures for purposes such as this match are not provided for in section 4132.

In order to disclose the necessary information, new routine uses must be added to the two systems of records. VA has determined that release of information for these purposes is necessary and is a proper use of information in these systems of records and that specific routine uses for the disclosure of this information is appropriate.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine uses to the Secretary, Department of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before October 12, 1990, will be considered. All written comments received will be available for public inspection only in Room 132 of the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 22, 1990.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the Federal Register by VA, the routine uses in the systems are effective October 12, 1990.

Approved: September 4, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Notice of Systems of Records

1. In the system identified as 13VA047, "Individuals Submitting Invoices/Vouchers for Payment-VA" appearing on pages 772-773 of the Federal Register publication, "Privacy Act Issuances, 1987 Compilation, Volume V," the following routine use is added:

13VA047

SYSTEM NAME:

Individuals Submitting Invoices/Vouchers For Payment-VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 38 U.S.C. 4132, i.e., medical treatment information related to drug

abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a Routine Use unless there is also specific statutory authority permitting disclosure.

10. Relevant information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle cell anemia) may be disclosed to the Department of Health and Human Services (HHS) for the purpose of identifying improper duplicate payments made by Medicare fiscal intermediaries where VA authorized and was responsible for payment for medical services obtained at non-VA health care facilities. The purpose of the review is for HHS to identify duplicate payments and initiate recovery of identified overpayments and, where warranted, initiate fraud investigations, or, to seek reimbursement from VA for those services which were authorized by VA and for which no payment, or partial payment, was made by VA. HHS will provide information to identify the patient to include the patient name, address, Social Security number, date of birth, and information related to the period of medical treatment for which payment was made by Medicare to include the name and address of the hospital, the admission and discharge dates, the services for which payment was made, and the dates and amounts

of payment. Information disclosed from this system of records will be limited to that information that is necessary to confirm or disprove an inappropriate payment by Medicare. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

2. In the system identified as 24VA136, "Patient Medical Records-VA" appearing on pages 780-782 of the Federal Register publication, "Privacy Act Issuances, 1987 Compilation, Volume V," and amended at 53 FR 49818, December 9, 1988, and 55 FR 5112-5113, February 13, 1990, the following routine use is added:

24VA136

SYSTEM NAME:

Patient Medical Records-VA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 38 U.S.C. 4132, i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a Routine Use unless there is also specific statutory authority permitting disclosure.

30. Relevant information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle cell anemia) may be disclosed to the Department of Health and Human Services (HHS) for the purpose of identifying improper duplicate payments made by Medicare fiscal intermediaries where VA authorized and was responsible for payment for medical services obtained at non-VA health care facilities. The purpose of the review is for HHS to identify duplicate payments and initiate recovery of identified overpayments and, where warranted, initiate fraud investigations, or, to seek reimbursement from VA for those services which were authorized by VA and for which no payment, or partial payment, was made by VA. The information to be disclosed to HHS for those patients authorized by VA to obtain medical services from non-VA health care facilities includes patient identifying information to include name, address, Social Security number, and date of birth, and dates of admission and discharge, diagnostic, surgical and procedures codes, and state and county of residence and zip code. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

[FR Doc. 90-21444 Filed 9-11-90; 8:45 am]

BILLING CODE 8320-01-M

Corrections

Federal Register

Vol. 55, No. 177

Wednesday, September 12, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

Child and Adult Care Food Program: Adult Meal Pattern

Correction

In proposal rule document 90-20104 beginning on page 34935 in the issue of Monday, August 27, 1990, make the following corrections:

1. On page 34935, in the third column, under "Review of Nutritional Need", in the second paragraph, in the fourth line from the bottom "than" should read "then".

2. On page 34936, in the first column, in the first paragraph, in the tenth line "survey is anticipated" should read "survey it is anticipated".

3. On the same page, in the same column, in the same paragraph, in the fourth line from the bottom "discused" should read "discussed".

4. On the same page, in the third column, in item 2.a., in the third line "an equivalent of" should read "an equivalent serving of".

5. On the same page, in the same column, in item 2.d., in the fourth line add a comma after "children".

6. On the same page, in the same column, in item 2.e., in the second line "amended" was misspelled.

7. On page 34937, in the second column, after line five add the following paragraph: "j. Paragraph (p) is revised."

§ 226.20 [Corrected]

8. On page 34937, in § 226.20(c)(1), in the "Breakfast" table, in the first column (Food components), under "Bread and Bread Alternates", in the second entry "muffins" was misspelled.

9. On the same page, in § 226.20(c)(2), in the "Lunch" table, in the first column (Food components), under "Bread and Bread Alternates", in the third entry "pasta" was misspelled.

10. On the same page, in § 226.20(c)(2), in the "Lunch" table, in the fifth column (Adult participants), in the last entry "1 oz = 50%" should read "1 oz = 50%".

11. On page 34938, in § 226.20(c)(3), in the "Supper" table, in footnote seven "most" should read "meat".

12. On the same page, in § 226.20(c)(3), in the "Supper" table, in footnote eight, in the second line, add ", poultry or fish" after "lean meat".

13. On the same page, in § 226.20(c)(4), in the "Supplemental Food" table, in the third column the caption "Children ages 3 and 5" should read "Children ages 3 through 5".

14. On the same page, in § 226.20(c)(4), in the "Supplemental Food" table, in the fourth column the caption "Children ages 6 and 12" should read "Children ages 6 through 12".

15. On the same page, in § 226.20(c)(4), in the "Supplemental Food" table, in the first column (Food components), under "Vegetable(s) and/or Fruit(s)", in the second entry, in the first line "vegetables at fruit" should read "vegetables or fruit".

16. On the same page, in § 226.20(c)(4), in the "Supplemental Food" table, in the first column (Food components), the caption "Bread and Bread Alternate" should read "Bread and Bread Alternates".

17. On page 34939, in § 226.20(p)(2), in the second line "not affected" should read "not be affected".

BILLING CODE 1505-01-D

COMMODITY FUTURES TRADING COMMISSION

Authorization of the National Futures Association to Implement Phases II and III of a Pilot Program for the Direct Electronic Entry of Registration Data With Respect to Applicants for Registration as Associated Persons of Specified Registrants

Correction

In notice document 90-20639 beginning on page 35925 in the issue of Tuesday, September 4, 1990, make the following correction:

On page 35930, in the third column, in footnote 41, in the ninth line, insert the following after "Commission": ", and shall be the official record of the Commission".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-3700]

Preparation, Adoption, and Submittal of State Implementation Plans; Methods for Measurement of PM Emissions From Stationary Sources

Correction

In the issue of Monday, June 18, 1990, on page 24689, in the correction to rule document 90-7603, the correction designated 11 should appear as follows:

Appendix M to Part 51—[Corrected]

11. On page 14270, in the third column, under the paragraph designated 5.3.1.1, the second equation should read as follows:

$$(Stk_{50})^{1/2} = \left[\frac{4 Q_{acc} (D_{50})^2}{9 \pi \mu_{acc} (d_{acc})^3} \right]^{1/2}$$

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 29

Labor Standards for the Registration of Apprenticeship Programs

Correction

In proposed rule document 90-19988 beginning on page 34868 in the issue of Friday, August 24, 1990, make the following corrections:

1. On page 34868, in the first column, the first line of the SUMMARY should read "The Employment and Training".

2. On the same page, in the second column, at the end of the seventh from the last line, "The" should read "This".

§ 29.2 [Corrected]

3. On page 34870, in the second column, in § 29.2(b), in the fourth line, "apprenticeship" should read "apprenticeable".

§ 29.3 [Corrected]

4. On the same page, in the third column, in the heading of § 29.3, "apprenticeship" should read "apprenticeable".

§ 29.3 [Corrected]

5. On page 34871, in the first column, in § 29.3(d), at the beginning of the 13th line, "the" should be omitted.

§ 29.5 [Corrected]

6. On page 34872, in the third column, in § 29.5(g), in the third line, "is found to" should read "is found not to".

§ 29.5 [Corrected]

7. On the same page, in the same column, in § 29.5(g) introductory text, in the 22nd line, "thirty (30) days" should read "thirty (30) calendar days".

§ 29.5 [Corrected]

8. On page 34873, in the first column, in § 29.5(g)(7), in the 11th line, "thirty (30) days" should read "thirty (30) calendar days".

§ 29.5 [Corrected]

9. On the same page, in the second column, in § 29.5(h)(3)(iii), at the end of the second line, "register" should read "deregister".

§ 29.7 [Corrected]

10. On page 34874, in the second column, in § 29.7(c), in the 15th line, "longer" was misspelled.

§ 29.8 [Corrected]

11. On page 34874, in the second column, in § 29.8, in the 19th line, "administered" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 25**

[Docket No. 24344; Amendment No. 25-72]

RIN 2120-AA47

Special Review: Transport Category Airplane Airworthiness Standards**Correction**

In rule document 90-16852 beginning on page 29756 in the issue of Friday, July 20, 1990, make the following corrections:

§ 25.149 [Corrected]

1. On page 29774, in the second column, in § 25.149(b), in the first line, "V_{mc}" should read "V_{MC}".

2. On the same page, in the second column, in § 25.149(e), in the first line, "V_{mca}" should read "V_{MCG}" each time they appear.

3. On the same page, in § 25.149(e), in the 3rd column, in the 6th line, "V_{mca}" should read "V_{MCG}"; and in the 15th line "V_{mca}" should read "V_{MCG}".

4. On the same page, in the third column, in § 25.149(f), in the first line, "V_{mcl}" should read "V_{MCL}"; and in the last line, "V_{mcl}" should read "V_{MCL}".

5. On the same page, in the same column, in § 25.149(g), in the 2nd line, "V_{mcl-2}" should read "V_{MCL-2}"; and in the 11th line "V_{mcl-2}" should read "V_{MCL-2}".

§ 25.177 [Corrected]

6. On the same page, in the same column, in § 25.177(c), the third sentence should read "Compliance with this paragraph must be demonstrated for all landing gear and flap positions and symmetrical power conditions at speeds from 1.2 V_{st} to V_{FE}, V_{LE}, or V_{FC}/M_{FC}, as appropriate."

7. On page 29775, in the first column, in § 25.177(d), in the third line, "V_{mo}/M_{mo} and V_{fc}/M_{fc}" should read "V_{MO}/M_{MO} and V_{FC}/M_{FC}".

§ 25.181 [Corrected]

8. On the same page, in the same column, in amendatory instruction 12, "1.2 V_s" should read "1.2 V_S".

§§ 25.331, 25.341, 25.343, 25.345, and 25.351 [Corrected]

9. On pages 29775 and 29776, a portion of the text contained a number of errors. As corrected, the text beginning with amendatory instruction 17, on page 29775, in the second column, and continuing through amendatory instruction 22 on page 29776, in the first column should read as follows:

§ 25.331 [Amended]

17. By amending § 25.331, paragraph(c)(2)(i), by removing the expression "A to D" following the word "Points" and inserting the expression "A₁ to D₁" in its place and, paragraph (c)(2)(ii), by removing the expression "A to D" following the word "Points" and inserting the expression "A₂ to D₂" in its place.

18. By amending § 25.341, by revising paragraph (b)(1) as follows, and by redesignating existing paragraph (b)(3) as paragraph (c) and revising the text as follows:

§ 25.341 Gust loads.

* * * * *

(b) * * *

(1) The shape of the gust is

$$U = \frac{U_{de}}{2} \left(1 - \cos \frac{2\pi s}{25C} \right)$$

where—

s = distance penetrated into gust (ft);
C = mean geometric chord of wing (ft); and
U_{de} = derived gust velocity referred to in paragraph (a) (fps).

(2) * * *

(c) In the absence of a more rational analysis, the gust load factors must be computed as follows:

$$n = 1 + \frac{K_g U_{de} V_a}{498 (W/S)}$$

where—

$$K_g = \frac{0.88 \mu_g}{5.3 + \mu_g} = \text{gust alleviation factor;}$$

$$\mu_g = \frac{2(W/S)}{\rho \bar{C}_{NE}} = \text{airplane mass ratio;}$$

U_{de} = derived gust velocities referred to in paragraph (a) (fps);

ρ = density of air (slugs cu. ft.);

W/S = wing loading (psf);

C = mean geometric chord (ft);

g = acceleration due to gravity (ft/sec²);

V = airplane equivalent speed (knots); and

a = slope of the airplane normal force coefficient curve C_{NA} per radian if the gust loads are applied to the wings and horizontal method. The wing lift curve slope C_{AL} per radian may be used when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

§ 25.343 [Amended]

9. By amending § 25.343, paragraph (a), by removing the reference to § 25.1001 (h) and (i) and inserting a reference to § 25.1001 (e) and (f) in its place.

20. By amending § 25.345 by revising paragraph (c)(1) to read as follows:

§ 25.345 High lift devices.

* * * * *

(c) * * *

(1) Maneuvering to a positive limit load factor as prescribed in § 25.337(b); and

* * * * *

21. By amending § 25.351, by revising paragraph (b) as follows:

§ 25.351 Yawing conditions.

• • • • •

(b) *Lateral gusts.* The airplane is assumed to encounter derived gusts normal to the plane of symmetry while in unaccelerated flight. The derived gusts and airplane speeds corresponding to conditions B' through J' (in § 25.333(c)) (as determined by §§ 25.341 and 25.345(a)(2) or § 25.345(c)(2)) must be investigated. The shape of the gust must be as specified in § 25.341. In the absence of a rational investigation of the airplane's response to a gust, the gust loading on the vertical tail surfaces must be computed as follows:

$$L_v = \frac{K_{gt} U_{de} V_{at} S_t}{498}$$

where—

L_v = vertical tail load (lbs.);

$$K_{gt} = \frac{0.88 \mu_{gt}}{5.3 + \mu_{gt}} = \text{gust alleviation factor;}$$

$$\mu_{gt} = \frac{2W}{p \bar{C}_l g a_v S_t} \left(\frac{K^2}{l_t} \right)^2 = \text{lateral mass ratio;}$$

U_{de} = derived gust velocity (fps);

p = air density (slugs/cu. ft.);

W = airplane weight (lbs.);

S_t = area of vertical tail (ft.²);

\bar{C}_l = mean geometric chord of vertical surface (ft.);

a_v = lift curve slope of vertical tail (per radian);

K = radius of gyration in yaw (ft.);

l_t = distance from airplane c.g. to lift center of vertical surface (ft.);

g = acceleration due to gravity (ft./sec.²); and

V = airplane equivalent speed (knots).

22. By amending § 25.361 by revising paragraphs (a) introductory text, (a)(2) and (c) introductory text to read as follows:

BILLING CODE 1505-01-D

Best Buy Great Federal Prices

Wednesday
September 12, 1990

Part II

Department of Education

34 CFR Part 690

Pell Grant Program; Notice of Proposed
Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Pell Grant Program regulations to clarify them, to make minor technical changes, and to implement statutory changes made to the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1986, the Consolidation Omnibus Budget Reconciliation Act of 1985 and the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990.

DATES: Comments must be received on or before October 29, 1990.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Ms. Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue, SW (room 4318, Regional Office Building 3), Washington, DC 20202-5343.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce R. Coates, Program Specialist, Policy Section, Pell Grant Branch, Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue, SW (room 4318, Regional Office Building 3), Washington, DC 20202-5343, Telephone number (202) 708-7888.

SUPPLEMENTARY INFORMATION: Several of these proposed changes in the Pell Grant Program regulations result from statutory changes mandated by Congress under the Higher Education Amendments of 1986 (Pub. L. 99-498) and the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272). Other proposed changes result from a review of current policies and procedures and are technical and intended to clarify existing policies and procedures. A summary of the significant proposed changes follows:

Section 690.2 General Definitions

The Secretary proposes to change the term used on the Student Aid Report (SAR) to designate a student's expected

family contribution for the Pell Grant Program from Student Aid Index (SAI) to "Pell Grant Index" (PGI). The Secretary believes that since the Student Aid Index is only used for the Pell Grant Program, the term Pell Grant Index is a more accurate term. The Secretary also proposes to revise § 690.2 to provide that the definitions of terms relating to an institution's eligibility are now found in the regulations for Institutional Eligibility under the Higher Education Act of 1965, as amended, 34 CFR part 600. The Secretary also proposes to revise the definition of Valid Student Aid Report (Valid SAR) to clarify the requirement for the Electronic Data Exchange that institutions need only obtain signatures by an applicant, his or her spouse, and, if the applicant is a dependent student, one of the applicant's parents. Under current regulations, a Valid SAR for the Electronic Data Exchange (Electronic SAR) is required to contain the signatures of both of the applicant's parents. The Secretary is also proposing to change the term Pell Grant Electronic Data Exchange to Electronic Data Exchange, to reflect the expanded use of the electronic exchange system by all programs administered under title IV of the HEA (title IV, HEA programs).

Section 690.3 Definitions of Payment Period and Section 690.63 Calculation of a Pell Grant for a Payment Period and Section 690.64 Calculation of a Pell Grant for a Payment Period Which Occurs in Two Award Years

These proposed regulations would modify one of the definitions of "payment period" to reflect the fact that one institution may have both term and nonterm programs. These proposed regulations would clarify that the definition of "payment period" is based upon whether a program is term-based or nonterm and not whether the institution itself uses either term or nonterm measurements.

Section 690.75 Determination of Eligibility for Payment

The Secretary is proposing to revise § 690.75 to clarify the requirement for an institution to pay a Pell Grant award to an eligible student who is enrolled in an eligible program only after the student has completed the required credit hours for which he or she has been paid, if the student is enrolled in an eligible program that is measured in credit hours and that does not have academic terms. This proposed revision merely codifies the Secretary's long-standing practice.

The Secretary also proposes to amend § 690.75 to incorporate the provisions in the Higher Education Amendments of

1986 which permit an institution to pay Pell Grant awards to certain eligible students who are enrolled in an eligible program on a less-than-half-time basis. Section 411(b) of the HEA provides that a student enrolled on a less-than-half-time basis may receive Pell Grant funds for award year 1989-90 if sufficient appropriations are available and the student's PGI is less than or equal to zero; for 1990-91 if the student's PGI is less than or equal to zero, or for award year 1991-92, if the student's PGI is less than or equal to \$200. However, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990 (Pub. L. 101-166) rescinded the eligibility of less-than-half-time students for the 1990-91 award year and provided that for the 1989-90 award year, a student who is attending on a less-than-half-time basis is eligible to receive a Pell Grant award for a period of enrollment beginning on or after January 1, 1990, only if he or she received a Pell Grant for a payment period beginning before January 1, 1990 based on an enrollment status of less than half-time.

Section 690.76 Frequency of Payment

The Secretary is proposing to revise § 690.76(b) to make it clear that an institution may pay funds in one lump sum for all the prior payment periods for which the student was an eligible student within that award year based on the coursework completed by the student.

Section 690.77 Initial Disbursement of a Pell Grant in an Award Year Without a Valid SAR

The Secretary proposes to amend this section to clarify that in order for an institution to make an initial disbursement without a valid SAR, the institution must receive the PGI either directly from the Secretary or receive the PGI produced by the Secretary from an organization that has a contract to receive processed application data from the Secretary. As a result of changes to the student aid delivery system for the 1990-91 award year, several institutions requested that this provision be clarified. In the 1989-90 award year, the organizations that had contracts to receive processed application data from the Secretary were provided with a common set of edits and computation procedures. These organizations computed the PGI and transmitted the PGI, as well as the application data, to the Secretary. The Secretary issued the SAR containing the PGI provided to the student. Beginning with the 1990-91 award year, the organizations that have

contracts to receive processed application data from the Secretary do not receive the edits and computation procedures necessary to compute the PGI. The Secretary computes the PGI and transmits the computation back to the organization. The organization then issues the SAR to the student. The Secretary always intended that an institution's ability to make an initial disbursement without a valid SAR be based upon the receipt of a PGI that is computed by the Secretary.

Section 690.78 Method of Disbursement—By Check or Credit to a Student's Account

The Secretary is proposing to revise § 690.78(d)(3) to clarify that an institution that intends to pay a student directly may credit the student's account only for any outstanding charges for tuition and fees and room and board for an award year if the student has not picked up the check within 15 days after the end of the student's enrollment in that award year.

Section 690.79 Recovery of Overpayments

The Secretary proposes to amend § 690.79(c) to reflect the changes made to the HEA by the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Higher Education Amendments of 1986. Under these changes, a student is ineligible for further title IV, HEA program assistance for attendance at any institution, if the student received an overpayment at an institution, that institution is not liable for that overpayment, and the institution referred the student to the Secretary. The student remains ineligible until the student repays the overpayment or until the Secretary determines that the overpayment has been resolved.

Section 690.83 Submission of Reports

The cash flow process in the Pell Grant Program has impacted an institution's ability to make Pell Grant disbursements to its students. The requirements in this section are proposed to better control the Pell Grant cash flow process.

The Secretary proposes to change the term "Payment Document" to "Payment Voucher." Also, the Secretary is proposing to change the deadline date for submission of all SAR Payment Vouchers (or the equivalent as defined by the Secretary) from December 31 to September 30 following the end of an award year. The Secretary believes that increased automated data exchange participation in the Pell Grant Program has reduced the need for such an extensive period of time subsequent to

the award year in which to reconcile institutional records for the Pell Grant Program and believes that changing the deadline date for the submission of all SAR Payment Vouchers (or equivalent as defined by the Secretary) to September 30 provides an institution with a sufficient period of time to conduct its reconciliations.

The Secretary proposes to require an institution to submit its Payment Vouchers during the institution's next required reporting period for those students whose Pell Grant awards or payments have changed as a result of changes such as, enrollment status, transferring, dropping out, or the loss of eligibility for future payment. The Secretary believes that the requirement is necessary to ensure that an institution's Pell Grant allocations are both adequate and accurate to serve its students' needs. Additionally, this requirement will ensure that Federal funds would no longer remain at an institution when its students do not need the funds. Generally, an allocation will only be made to an institution to support documented Pell Grant payments to students, and the allocation will be available for the institution by the beginning of the month in which the payment will be made. However, the allocation to an institution will be prorated to take into account the expected normal term-to-term attrition in student attendance and changes in student eligibility for reasons such as a change in enrollment status, or failure to maintain satisfactory progress. Institutions that fail to submit required reports or that file untimely or incomplete reports, will have their Pell Grant allocation reduced to an amount to be determined by the Secretary. This will allow the Secretary to use these funds for those institutions that comply with the Secretary's reporting and fund administration requirements.

The Secretary proposes to fine per violation institutions that fail to comply with the requirement to report during each required reporting period and to fine per violation institutions that do not submit the Payment Vouchers (or equivalent as defined by the Secretary) during the next required reporting period for each reporting period that such institutions fail to submit such Payment Vouchers for each student whose award or payments have changed.

Section 690.84 Audit and Examination

The Secretary proposes to remove this section because these provisions are contained in § 668.23 of the Student Assistance General Provisions regulations.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 690.77 and 690.83 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, room 3002, New Executive Office Building, Washington, DC 20503; Attention Daniel J. Chenok.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 4318, Regional Office Building-3, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would

require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, student aid.

(Catalog of Federal Domestic Assistance Number: 84.063 Pell Grant Program)

Dated: July 20, 1990.

Lauro F. Cavazos,

Secretary of Education.

The Secretary proposes to amend part 690 of title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

1. The authority citation for part 690 continues to read as follows:

Authority: 20 U.S.C. 1070a through 1070a-6, unless otherwise noted.

2. Section 690.2 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) respectively, and by adding a new paragraph (a) to read as follows:

§ 690.2 General definitions.

(a) Definitions of the following terms used in this part are found in subpart A of the regulations for Institutional Eligibility under the Higher Education Act of 1965, as amended, 34 CFR part 600:

Accredited
Clock hour
Educational program
Eligible institution
One-year training program
Program of study by correspondence
Proprietary institution of higher education
Postsecondary vocational institution
Recognized equivalent of high school diploma
Secretary
Six-month training program

§ 690.2 [Amended]

3. In § 690.2, redesignated paragraph (b) is amended by removing the definitions for the terms *Clock hour*, *One-year training program*, *Proprietary institution of higher education*, *Postsecondary vocational institution*, *Recognized equivalent of a high school diploma*, *Secretary*, and *Six-month training program*.

§ 690.2 [Amended]

4. In § 690.2, redesignated paragraph (c) is amended by removing the term "Pell Electronic Data Exchange", and adding in its place the term "Electronic Data Exchange"; by removing the term "Student Aid Index", and adding in its

place the term "Pell Grant Index"; by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively, in the definition of "Valid Student Aid Report"; and by removing in redesignated paragraph (2) the words "Pell Grant"; and by removing in redesignated paragraph (2) the words "the applicant's parents" and adding, in their place, the words "one of the applicant's parents"; and by revising the definition of "Institution of higher education" to read as follows:

§ 690.2 General definitions.

(c) * * *
Institution of higher education (Institution): An institution of higher education, or a proprietary institution of higher education, or a postsecondary vocational institution, as defined in 34 CFR part 600.

§ 690.3 [Amended]

5. In § 690.3, paragraphs (a), (a)(1), (a)(2) and (b) are amended by removing the words "an institution", and adding in their place, the words "an eligible program."

§ 690.7 [Amended]

6. In § 690.7, paragraph (a)(1)(i) is amended by removing the term "34 CFR part 668, subpart A" and adding, in its place, the term "34 CFR part 600".

§ 690.13 [Amended]

7. Section 690.13 is amended by removing the words "student aid index" and adding, in their place, the words "Pell Grant Index".

§ 690.61 [Amended]

8. In § 690.61, paragraph (b)(2) is amended by removing "§ 680.60" and adding, in its place, "668.60".

§ 690.63 [Amended]

9. In § 690.63, paragraphs (a) and (c) are amended by removing the words "At an institution", and adding, in their place, the words "In an eligible program"; paragraphs (a)(3)(i) and (a)(3)(ii) are amended by removing the words "of an institution", and adding, in their place, the words "in an eligible program."

10. Section 690.64 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 690.64 Calculation of a Pell Grant for a payment period which occurs in two award years.

(c)(1) If an eligible program uses academic terms and offers a series of

mini-sessions which occurs in two award years, the combined sessions must be treated as one term. A student may not receive more than one term's award for completing any combination of these mini-sessions.

(2) For such mini-sessions, an institution that uses academic terms in an eligible program shall determine the student's enrollment status for the entire term. That enrollment status shall be based upon—

11. Section 690.75 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

§ 690.75 Determination of eligibility for payment.

(a) * * *
(2)(i) Is enrolled as at least a half-time undergraduate student; or
(ii) To the extent not otherwise provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, is enrolled as an undergraduate student on a less-than-half-time basis—

(A) For award year 1989-90 if the PGI for such student is less than or equal to zero; or

(B) For award year 1991-92, if the PGI for such student is less than or equal to \$200; and

(3)(i) Has completed the required clock hours for which he or she has been paid a Pell Grant, if the student is enrolled in an eligible program that is measured in clock hours; or

(ii) Has completed the required credit hours for which he or she has been paid a Pell Grant, if the student is enrolled in an eligible program that is measured in credit hours and that does not have academic terms.

12. Section 690.76 is amended by revising paragraph (b) to read as follows:

§ 690.76 Frequency of payment.

(b) The institution may pay funds in one lump sum for all the prior payment periods for which the student was an eligible student within the award year. The student's enrollment status must be determined according to work already completed.

13. Section 690.77 is amended by removing the term "SAI" each time it appears, and adding, in its place, the term "PGI"; and by revising paragraph (a)(3) and the introductory text of paragraph (b) to read as follows:

§ 690.77 Initial disbursement of a Pell Grant in an award year without a valid SAR.

(a) * * *

(3)(i) Receives a PGI from the Secretary; or

(ii) Receives the PGI produced by the Secretary from an organization that has a contract to transmit application data to the Secretary.

(b) If an institution receives a student's application information and his or her PGI from the Secretary, or his or her PGI produced by the Secretary from an organization that has a contract to transmit application data to the Secretary, but the institution has documentation that indicates that the application information is inaccurate, the institution may make one disbursement within an award year of a student's Pell Grant before receiving the student's valid SAR if the institution—

* * * * *

14. Section 690.78 is amended by revising paragraph (d)(3) to read as follows:

§ 690.78 Method of disbursement—by check or credit to a student's account.

* * * * *

(d) * * *

(3) If the student has not picked up his or her payment at the end of the 15-day period, the institution may credit the student's account only for any outstanding charges for tuition and fees and room and board for the award year incurred by the student while he or she was eligible.

* * * * *

15. Section 690.79 is amended by revising paragraph (c) to read as follows:

§ 690.79 Recovery of overpayments.

* * * * *

(c) If an institution refers a student who received an overpayment for which it is not liable to the Secretary for recovery, the student remains ineligible for further title IV, HEA program assistance for attendance at any institution until the student repays the overpayment or the Secretary determines the overpayment has been resolved.

* * * * *

16. In § 690.83, paragraph (a) is amended by removing the words "Payment Documents" and "December 31" and adding in their place, respectively, the words "Payment

Vouchers" and "September 30"; and by adding new paragraphs (c) and (d) and revising the authority citation to read as follows:

§ 690.83 Submission of reports.

* * * * *

(c) An institution shall submit to the Secretary a SAR Payment Voucher (or the equivalent as defined by the Secretary) for each student whose Pell Grant award has changed as a result of a change in enrollment status, a change in the cost of attendance, or a change in the student's eligibility in the next reporting period established by the Secretary through publication of a notice in the **Federal Register**.

(d) In accordance with 34 CFR 668.84 the Secretary may impose a fine on the institution if the institution fails to comply with the requirements specified in paragraphs (a), (b) or (c) of this section.

(Authority: 20 U.S.C. 1070a, 1094)

§ 690.84 [Removed]

17. Section 690.84 is removed.

[FR Doc. 90-21345 filed 9-11-90; 8:45 am]

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